

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ZACKERY CRABTREE,

Case No. 3:19-cv-00479-LRH-CLB

Petitioner,

v.

ORDER

WILLIAM GITTERE, et al.,

Respondents.

On April 8, 2021, this court entered an order staying this action to allow petitioner to exhaust his state remedies for all his claims. ECF No. 53. On March 3, 2022, petitioner filed a motion styled as a “motion to compel and request for evidentiary hearing.” ECF No. 58. The motion is vague as to the relief petitioner seeks and does not establish that an evidentiary hearing is warranted. The court will, however, construe the motion as a motion to lift the stay and reopen these proceedings, which will be granted.

Accordingly, the court shall reopen proceedings in this matter and establish a schedule for further litigation.

**IT IS THEREFORE ORDERED** that petitioner’s motion (ECF No. 58) is GRANTED in part and DENIED in part. It is granted to the extent petitioner asks the court to reopen his habeas proceedings, but denied to the extent he asks the court to conduct an evidentiary hearing or for other relief.

1           **IT IS FURTHER ORDERED** that the stay in this case is lifted. Accordingly, the  
2 Clerk is directed to administratively REOPEN the case.

3           **IT IS FURTHER ORDERED** that the following schedule shall govern the further  
4 litigation of this action:

5           1. **Amended Petition.** Petitioner shall have **30 days** from the date this order is  
6 entered within which to file an amended habeas petition if he wishes to do so.

7           2. **Response to Petition.** Respondents shall have **60 days** following service of  
8 the amended petition (or the expiration of time for doing so) to file and serve an answer  
9 or other response to the petition.

10          3. **Reply and Response to Reply.** Petitioner shall have **45 days** following  
11 service of an answer by respondents to file a reply.

12          4. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss,  
13 petitioner shall have **30 days** following service of the motion to file an opposition to the  
14 motion. Respondents shall thereafter have **30 days** following service of the opposition  
15 to the motion to file and serve a reply.

16          DATED this 18th day of May, 2022.

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19 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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